United Nations A/C.5/53/SR.35

General Assembly
Fifty-third session

Official Records

Distr.: General
4 December 1998

Original: English

Fifth Committee

Summary record of the 35th meeting
Held at Headquarters, New York, on Tuesday, 24 November 1998 at 10 a.m.

Chairman: Mr. Abelian ..... (Armenia)
Chairman of the Advisory Committee on Administrative and Budgetary Questions: Mr. Mselle

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98-83638 (E)

The meeting was called to order at 10 a.m.

Agenda item 121: United Nations pension system (*continued*) (A/53/9/Add.1 and A/53/696)

1. **Mr. Gieri** (Secretary of the United Nations Joint Staff Pension Fund) introduced the report of the United Nations Joint Staff Pension Board on the application of the Interim Commission for the International Trade Organization/ General Agreement on Tariffs and Trade (ICITO) for withdrawal from the United Nations Joint Staff Pension Fund (A/53/9/Add.1). The United Nations pension system had never before received an application from an organization wishing to terminate its membership. In accordance with article 16 of the Regulations of the United Nations Joint Staff Pension Fund, the withdrawal procedure involved five steps: first, an application for termination must be submitted; second, the Board must make an affirmative recommendation on the application; third, the General Assembly must take a decision to act on the Board's recommendation; fourth, the Board must determine the withdrawing organization's proportionate share of the total assets of the Fund at the date of termination; and fifth, the organization and the Board must agree on modalities for the payment of that share.

2. The methodology for determining the proportionate share of the assets was described in paragraphs 7 to 9 of the report. The deduction referred to in paragraph 7 (a) was intended to create a pension reserve. The key factors in determining the proportionate share were the market value of the Fund's assets on the termination date and the interest rate used to calculate the capital value of the pension reserve. Paragraphs 10 to 18 of the report described in detail the determination of the rate to be used in the calculations, including the two reductive factors applied in order to ensure coverage of administrative expenses and contingencies such as currency risks, while paragraphs 19 to 24 dealt with the limitation on the amount of the proportionate share according to the principle that no surplus in the Fund should be included in that amount. Paragraph 25 contained a summary of the Board's recommendations.

3. In applying for termination of its membership in the Fund, ICITO had specified two conditions: the termination had to be approved by its staff, and it had to be satisfied with the transfer amount. While the first condition had been met through the conduct of a referendum in which 62 per cent of the staff had voted in favour of withdrawing from the Fund, the second condition could not be met until the transfer amount had been calculated as at the date of termination, which was 31 December 1998. As indicated in paragraph 30 of the report, the Board had extensively discussed the political, legal, financial and administrative implications of dealing with a conditional application. In recommending termination of the membership of ICITO, the Board had decided that written notification of the unconditional desire of ICITO to withdraw from the Fund should not be required until 15 January 1999, by which time the approximate amount of the proportionate share would be known. Moreover, the Board had recommended the inclusion of a provision to hold the Fund harmless with respect to any claims between 1 and 15 January 1999. All parties concerned, including the Legal Counsel and the consulting actuaries of ICITO, had participated in the Board's discussions. The draft resolution to be submitted for the General Assembly's consideration was contained in paragraph 32 of the report.

4. **Mr. Mselle** (Chairman of the Advisory Committee on Administrative and Budgetary Questions), introducing the Advisory Committee's report on the application of ICITO for withdrawal from the Pension Fund (A/53/696), said that the Advisory Committee agreed with the Board's recommendation that the membership of ICITO in the Fund should be terminated, and recommended that paragraph 5 of the draft resolution contained in paragraph 32 of the Board's report (A/53/9/Add.1) should be expanded to include the scope of the "hold harmless" provision.

Agenda item 135: Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (*continued*) (A/52/520 and A/52/891; A/53/651; A/C.5/52/47; A/C.5/53/12 and A/C.5/53/13)

Agenda item 137: Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 (*continued*) (A/52/520 and A/52/784; A/53/659; A/C.5/52/48; A/C.5/53/14 and A/C.5/53/15 and Corr.1)

5. **Ms. Butschek** (Austria), speaking on behalf of the European Union, said that she welcomed the establishment of a third Chamber in each of the two Tribunals, whose work had expanded in the past year. The resulting significant

increase in the budgets of the Tribunals for 1999 had been thoroughly reviewed by the Advisory Committee, and she supported the recommendations and budget levels proposed by the latter. She was concerned about the persistently high vacancy rates in the Tribunals, and asked the Secretariat how it assessed that situation, what the reasons were for the recruitment problem, and what measures it had taken in response. The latest statistics on the matter would also be useful.

6. With respect to the expert reviews recommended by the Advisory Committee (A/53/651, para. 65, and A/53/659, para. 84), she felt that the Office of Internal Oversight Services (OIOS) should follow up the issue if the goal was to conduct a management review. In that context, priority should be given to recruitment procedures. Purely legal issues and matters pertaining to the statutes of the Tribunals could not be reviewed in that kind of exercise, but she would welcome a decision by the Tribunals themselves to undertake a critical examination of their working methods.

7. The current infrastructure of the International Tribunal for the Former Yugoslavia was sufficient and up to date. In the case of the International Criminal Tribunal for Rwanda, she noted the status report on the implementation of the recommendations of OIOS (A/52/784, annex). Despite the corrective action taken, some important administrative issues had not yet been addressed. All recommendations for improving the Tribunal's administration must be fully implemented. She expected the Secretary-General to keep Member States informed of ongoing developments, such as measures to enhance staff security and to improve the witness protection programme. Lastly, she reaffirmed the European Union's full commitment to the effective functioning of the two Tribunals.

8. **Mr. Jaremczuk** (Poland), **Mr. Bliznikas** (Lithuania) and **Mr. Stanescu** (Romania) said that their delegations wished to align themselves with the statement made by the representative of Austria on behalf of the European Union.

9. **Mr. Saha** (India) said that his delegation had noted the large amount of funding required for the two Tribunals, and wondered why the Secretariat had not projected such large amounts for the economic and social sectors, since requirements in those sectors were great and the relevant committees constantly pointed out the desirability of investing in them. He was not clear about the source of funding for the Tribunals and wondered whether the funds would come from within existing resources.

The meeting rose at 10.25 a.m.